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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,696	12/28/2001	Laurent Chouraqui	1386-01	4983

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EXAMINER	
SHEPARD, JUSTIN E	
ART UNIT	**PAPER NUMBER**
2623	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/040,696	CHOURAQUI ET AL.	
	Examiner	Art Unit	
	Justin E. Shepard	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 November 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8 and 11-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8 and 11-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 11/3/06 have been fully considered but they are not persuasive.

Page 6, second paragraph:

The applicant argues that Chernock discloses a system wherein stored content is added into a broadcast video, and therefore does not read on the limitations found in claim 1. While Chernock does disclose a system for inserting previous recorded video/audio into a broadcast video, it also discloses transmitting the content to be inserted. Chernock discloses sending real time control information to be inserted into a broadcast video. The example that is given is a news or sports program (column 3, lines 64-67; column 4, lines 1-3). As news and sports information would not be provided by the user to the STB, it is understood that this information is transmitted to the STB and filtered using the preferences stored on the STB. Therefore the limitation is met and the rejection stands.

Remaining arguments:

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., detailed definitions of terms specific to the application, such as "DRAWS") are not recited in the rejected claim(s). Although the claims are interpreted in light of the

specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Objections

Claims 11 and 15 are objected to because of the following informalities: The examiner does not understand the phrase "top of synchronization". The claim will be examined using the definition: the beginning of synchronization. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4, 11, 12, and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Chernock.

Referring to claim 1, Chernock discloses a process for transmission of a digital televised broadcast comprising interactive sequences which can be activated at least in part by a television viewer comprising:

transmitting elemental components materialized in the form of codes calling up native functions (column 3, lines 46-48; column 4, lines 10-11), comprising components of "INITIALIZATIONS" defining positioning in a data structure of other components (column 4, lines 17-18), components of "DRAWS" corresponding to graphic representations materialized in the structure in the form of codes calling up native functions of a host language of a digital terminal (column 4, line 22), components of "PALETTES" corresponding to color palettes (column 5, lines 49-53) and components of "SCREENS" corresponding to screen descriptions (column 6, lines 37-40); and

constructing an animated image by superposition of an animated image background corresponding to a principal broadcast and an image grouping together at least a part of elemental components by an execution program loaded in the digital terminal (column 4, lines 19-21; column 3, lines 54-56; figures 1 and 2).

Referring to claim 2, Chernock discloses a process according to Claim 1, wherein "SCREENS" comprises a listing of "DRAWS" that compose the screen, and a series of stimuli and actions (column 4, lines 10-22).

Referring to claim 4, Chernock discloses a process according to Claim 1, wherein the graphic representations are selected from the group consisting of text (column 6, lines 47-49), geometric shapes, lines, points, color changes, fonts and line thickness.

Referring to claim 11, Chernock discloses a process according to Claim 2, wherein at least one or more different stimuli selected from the group consisting of: pressure on any key of a remote control or front panel, events linked to a clock (column 4, lines 15-16), events linked to the end of a connection of the modem, beginning of a data capture and end of a data capture; and top of synchronization are assigned to the "SCREENS."

Referring to claim 12, Chernock discloses a process according to Claim 11, wherein the stimuli can trigger at least one action selected from the group consisting of: visualization of any autonomous interactive application; visualization of any channel; connection of the modem; changing of the screen (column 6, lines 37-40 and 47-49); and quitting the application.

Referring to claim 15, Chernock discloses a process according to Claim 2, wherein at least one of the stimuli is a top of synchronization (column 4, lines 17-18).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3, 5, 6, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chernock in view of Kamada.

Referring to claim 3, Chernock does not disclose a process according to Claim 1, wherein the elemental components belong to predefined classes of graphic elements enabling definition of an image and said elemental components are stored in memory according to their membership class.

Kamada discloses a process according to Claim 1, wherein the elemental components belong to predefined classes of graphic elements enabling definition of an image and said elemental components are stored in memory according to their membership class (column 32, lines 23-30; figure 38).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use the graphic element classes taught by Kamada in the process disclosed by Chernock. The motivation would have been to enable the system to use less information to encode an object by allowing it to inherit features from its parents (Kamada: column 32, lines 25-30).

Referring to claim 5, Chernock does not disclose a process according to Claim 3, wherein the elemental components are stored in memory sequentially in their class in order of their use in construction of the animated images.

Kamada discloses a process according to Claim 3, wherein the elemental components are stored in memory sequentially in their class in order of their use in construction of the animated images (column 32, lines 23-25; figure 38).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use the animation storage method taught by Kamada in the process disclosed by Chernock. The motivation would have been to allow for more complex animations to be able to be created.

Referring to claim 6, Chernock does not disclose a process according to Claim 3, wherein display of the elemental components is implemented according to membership classes and according to pre-selected criteria for each class.

Kamada discloses a process according to Claim 3, wherein display of the elemental components is implemented according to membership classes and according to pre-selected criteria for each class (column 32, lines 23-30; figure 38).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use the graphic element classes taught by Kamada in the process disclosed by Chernock. The motivation would have been to enable the system to use less information to encode an object by allowing it to inherit features from its parents (Kamada: column 32, lines 25-30).

Referring to claim 7, Chernock does not disclose a process according to Claim 3, wherein display of the elemental components is implemented according to membership classes and according to pre-selected criteria for each class.

Kamada discloses a process according to Claim 3, wherein display of the elemental components is implemented according to membership classes and according to pre-selected criteria for each class (column 32, lines 23-30; figure 38).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use the element class processing taught by Kamada in the process disclosed by Chernock. The motivation would have been to enable the system to use less time to decode an object by allowing it to inherit features from its parents (Kamada: column 32, lines 25-30).

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chernock in view of Kamada as applied to claim 3 above, and further in view of Fuller.

Referring to claim 8, Chernock and Fuller do not disclose a process according to Claim 3, wherein the elemental components are displayed by a specific interface in a digital decoder.

Fuller discloses a process according to Claim 3, wherein the elemental components are displayed by a specific interface in a digital decoder (column 7, lines 10-12).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use a digital decoder, as taught by Fuller, to display the animation disclosed by Chernock and Kamada. The motivation would have been that it is well known in the art to use digital decoders in set top boxes.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chernock in view of Fuller.

Referring to claim 13, Chernock discloses a process for transmission of a digital televised broadcast comprising interactive sequences which can be activated at least in part by a television viewer with a device comprising means for displaying original animated images, means for displaying a created sequence, and an screen creation interface in which elemental advertisement components are graphically materialized to enable installation of graphic elements to be displayed (column 2, lines 61-65; column 4, lines 10-22), comprising:

transmitting elemental components materialized in the form of codes calling up native functions (column 3, lines 46-48), comprising components of "INITIALIZATIONS" defining positioning in a data structure of other components (column 4, lines 17-18), components of "DRAWS" corresponding to graphic representations materialized in the structure in the form of codes calling up native functions of a host language of a digital terminal (column 5, lines 49-51), components of "PALETTES" corresponding to color palettes (column 5, lines 51-53) and components of "SCREENS" corresponding to screen descriptions (column 6, lines 37-40); and

constructing an animated image by superposition of an animated image background corresponding to a principal broadcast and an image grouping together at least a part of elemental components (figures 1 and 2) by an execution program loaded in the digital terminal (column 5, lines 44-46).

Chernock does not disclose a process where the displayed animation is an advertisement.

Fuller discloses a process where the displayed animation is an advertisement (column 3, lines 12-17).

At the time of the invention it would have been obvious for one of ordinary skill in the art to make the animation an advertisement as taught by Fuller in the process disclosed by Chernock. The motivation would have been to provide advertisements that have been targeted towards specific users or groups of users.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chernock in view of Straub.

Referring to claim 14, Chernock does not disclose a process according to Claim 1, wherein the "SCREENS" are interactive screens having stimuli and actions assigned thereto; the transmitting step comprises transmitting a plurality of the interactive screen; and the process further comprises the step of navigating among the plurality of interactive screens.

Straub discloses a process according to Claim 1, wherein the "SCREENS" are interactive screens having stimuli and actions assigned thereto; the transmitting step comprises transmitting a plurality of the interactive screen; and the process further comprises the step of navigating among the plurality of interactive screens (column 2, lines 22-34).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the customizable animated menus taught by Straub to the system disclosed by Chernock. The motivation would have been to provide the user with an interface that was inviting and easy to use, making the user more likely to use the system.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chernock in view of Fuller in view of Weinstein.

Referring to claim 16, Chernock discloses a process for displaying an interactive digital broadcast comprising:

a) transmitting a data structure comprising elemental components, the elemental components comprising, "DRAWS" corresponding to graphic representations in the form of codes calling up native functions of the host language of a digital terminal (column 3, lines 46-48; column 4, lines 10-11 and 22), "PALETTES" corresponding to color palettes (column 5, lines 49-53), "SCREENS" (column 6, lines 37-40), at least one of the "SCREENS" comprising a listing of "DRAWS" that compose a screen to be displayed and having a plurality of stimuli and actions assigned thereto (column 4, lines 10-22), and "INITIALIZATIONS" defining positions of the "DRAWS", "PALETTES" and "SCREENS" in the data structure (column 4, lines 10-22);

c) referencing the positions of the "SCREENS", "PALETTES", and "DRAWS" identified in the "INITIALIZATIONS" (column 4, lines 10-22);

d) displaying a first screen by reading and displaying the "DRAWS" comprising the first "SCREEN", and referencing the stimuli associated with the first "SCREEN" (column 4, lines 10-22).

Chernock does not disclose a process performing the steps of:

b) receiving the elemental components at the digital decoder;

e) when one of the stimuli associated with the first "SCREEN" is detected, executing an action associated with the stimulus, wherein the possible actions to be executed include navigating to a second or subsequent screen; and

f) navigating through a plurality of screens using steps a-e.

Fuller discloses a process performing the steps of:

b) receiving the elemental components at the digital decoder (column 7, lines 10-12).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use a digital decoder, as taught by Fuller, to display the animation disclosed by Chernock. The motivation would have been that it is well known in the art to use digital decoders in set top boxes.

Chernock and Fuller do not disclose a process performing the steps of:

e) when one of the stimuli associated with the first "SCREEN" is detected, executing an action associated with the stimulus, wherein the possible actions to be executed include navigating to a second or subsequent screen; and

f) navigating through a plurality of screens using steps a-e.

Weinstein discloses a process performing the steps of:

e) when one of the stimuli associated with the first "SCREEN" is detected, executing an action associated with the stimulus, wherein the possible actions to be executed include navigating to a second or subsequent screen; and

f) navigating through a plurality of screens using steps a-e (column 5, lines 55-58 and 64-67; column 6, lines 5-6).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the hierarchical menus taught by Weinstein to the process disclosed by Chernock and Fuller. The motivation would have been that providing a menu with multiple levels enables the user simpler navigation.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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